

Appln No. 09/931,590
Amdt date December 3, 2008
Reply to Office action of September 3, 2008

REMARKS/ARGUMENTS

Claims 1-10, 12-38, and 40-44 were pending in this application when last examined by the Examiner. Claims 1, 3, 6, 13, 15, 19, 29-30, 33, and 43-44 have been amended. Claims 8, 38, and 40-41 have been cancelled. Claims 45-47 have been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration and an early indication of allowance of the now-pending claims 1-7, 9-10, 12-37, and 42-47 are respectfully requested.

As an initial matter, Applicant notes that the Examiner crossed out the Hayashi reference listed in FORM PTO/SB/08A/B and submitted with the Information Disclosure Statement dated June 9, 2008. As a copy of the Hayashi reference was provided to the Examiner with the filing of the Information Disclosure Statement, Applicant respectfully requests that the Examiner initial the listing of the Hayashi reference in said FORM PTO/SB/08A/B and enter the initialed form in the application file, and further return the initialed copy of the form to Applicant with the next communication from the Office in accordance with MPEP § 609. Otherwise, Applicant respectfully requests an indication as to why the listing of the Hayashi reference was crossed out.

Claims 1, 13, 30, and 33 are rejected under 35 U.S.C. 112, second paragraph, for various indefiniteness reasons. Applicant respectfully submits that the amendments to claims 1, 13, 30, and 33 now overcome these rejections. Withdrawal of the rejection of claims 1, 13, 30, and 33 under 35 U.S.C. 112, second paragraph, is respectfully requested.

Claims 1, 3-9, 12-13, 15-19, 28-33, 35, and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny et al. (U.S. Patent No. 6,766,524) in view of Dougherty et al. (U.S. Patent No. 7,028,327). Claims 2, 14, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny et al. in view of Dougherty et al. and further in view of Dunn et al. (U.S. Patent No. 5,517,257). Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny et al. in view of Dougherty and further in view of Bolnick et al. (U.S. Pub. No. 2002/0023230). Applicant respectfully traverses these rejections.

Independent claim 1 calls for "each PIR . . . receiving and storing interactive content from a server system separately from the broadcast of the broadcast event and not embedded in the broadcast event signal . . ." The Examiner appears to rely on the disclosure on column 5, lines 15-19 of Matheny to contend that Matheny's local memory in the set-top box 245 is the claimed "PIR." Based on this interpretation, the query and/or reward templates that are stored in the local memory would have to be the claimed "interactive content." However, as described in U.S. Patent No. 7,103,904 (Blackketter), which is incorporated and relied on by Matheny on column 5, lines 19-25, the templates used by Matheny simply provide "formatting information and fields into which can be inserted predefined types of information." (See, Blackketter, Abstract).

In invoking a stored query template, Matheny teaches that a content creator creates a query trigger "seeking information from viewers that, if provided, will indicate that the viewer watched the program," and embeds the trigger in the video program that is transmitted to the viewer. (Matheny Col. 5, lines 53-63). The query trigger identifies a specific query template into which the custom content may be inserted to allow the display of a custom query for the viewer to respond to. Thus, any information that prompts interactivity is transmitted in the query trigger via the broadcast signal. The template itself is not the claimed "interactive content," and as such, Matheny's local memory in the set top box is not the claimed "PIR."

The Examiner further acknowledges that Matheny fails to disclose "receiving interactive content separately from the broadcast of the broadcast event and not embedded in the broadcast event signal." (Office action, p. 7, par. 4). However, the Examiner relies on Dougherty to make up for this deficiency.

Dougherty discloses using an electronic program guide (EPG) to determine what broadcast program is on a given channel at a given time in a given location. (See, Abstract). An application server 332 at a cable head end retrieves the program ID of the specific broadcast program for which interactive content is to be provided from the EPG, and uses the program ID to retrieve associated timing offset information to control the delivery of interactive content from a content database. (See, Col. 16, lines 4-22). Dougherty goes on to teach on column 16, lines

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21-37, however, that the application server that retrieves the interactive content inserts the interactive content into the broadcast stream via a data insertion unit (DIU) 336. Thus, the interactive content received by viewers according to this embodiment of Dougherty is not received "separately from the broadcast of the broadcast event and not embedded in the broadcast event signal," as asserted by the Examiner. The other embodiments of Dougherty also fails to make up for the deficiencies in Matheny. Accordingly, claim 1 is in condition for allowance.

Independent claims 13 and 30 include limitations that are similar to the limitations of claim 1 which make claim 1 allowable. Accordingly, claims 13 and 30 are also in condition for allowance .

Claims 45-47 are new in this application. Claims 45-47 are in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain. Specifically, claim 45 adds the limitation that "the interactive content includes interactive content triggers." The query templates stored in the local memory in Matheny do not include any "interactive content triggers." Thus, claim 45 is also in condition for allowance for the additional limitations that it contains.

Claim 46 adds the limitation that "the stored interactive content includes information associating the interactive content to the broadcast event." As the templates stored in the local memory in Matheny are generic templates and not associated with any particular broadcast event, claim 46 is also in condition for allowance for this additional limitation.

Claim 47 adds the limitation that the "information is a video frame marker." None of the cited references teach or suggest this limitation. Accordingly, claim 47 is also in condition for allowance for its added limitation.

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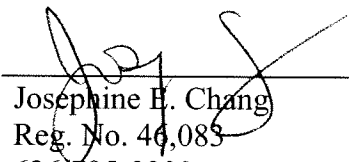
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In view of the above amendments and remarks, reconsideration and an early indication of allowance of the now-pending claims 1-7, 9-10, 12-37, and 42-47 are respectfully requested.

Respectfully submitted,

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